by the national average or the average rate of disposal of main cases per Judge per year in that High Court, whichever is higher.

If the disposal per Judge in the concerned High Court is below even the national average then instead of increasing the strength, the concerned High Court is required to take steps for improvement in the rate of disposal of cases. If the average disposal of concerned High Court is above the national average then increase in Judge strength is accordingly considered. The strength of Additional Judges is reviewed only if there is an increase in the arrears of the pending cases during the last 5 years and the disposal per Judge is above the national average.

Cases Disposed off by Mediation Cells

3858. SHRI VIJAY J. DARDA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government are aware that a "Mediation Cell" at Tees Hazari Courts has disposed off 234 cases in November and December out of the 532 cases received by it; and

(b) if so, whether such Mediation Cells are proposed to be opened in some selected District Courts in the country so that outstanding cases could be amicably settled through this method?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY) (a) The Mediation Cell at Tees Hazari Courts Complex has disposed off 100 cases in the month of November and December out of 217 cases received.

(b) The National Legal Services Authority has proposed to start training programmes for lawyers and judicial officers in all the 22 High Courts and 22 selected District Courts. After imparting training to the lawyers and judicial officers, Mediation Cells shall be established in the selected districts.

Protection of whistle-blowers

3859. SHRIMATI SYEDA ANWARA TAIMUR:
SHRI VIJAY J. DARDA:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that a Law Commission of India, which had

been asked to submit its views on the proposed Judges (Enquiry) Bill, 2005 has suggested a whistle-blower clause to protect those who complaints about judges and full confidentiality of complaint proceedings;

(b) if so, the details thereof, and

(c) Government's reaction to the suggestion made by the Law Commission of India ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY) (a) and (b) Yes, Sir. The Law Commission in their 195th Report on Judges (Inquiry) Bill, 2005, suggested that a 'whistleblower's provision may be incorporated in the proposed Bill. They have further recommended that i a complainant under the 'complaint procedure' is aprehensive of reprisals, he should have the right to request the Counsel that his name is to be kept confidential. It has also been recommended that every complainant and every person including a witness and a lawyer who participates in the investigation and inquiry, whether or not he seeks confidentiality about his name, must undertake to the Judicial Council that he shall not reveal his own name, the name of the Judge complained against, the contents of the complaint or any of the documents or proceedings to anybody else including the media without the prior written approval of the Judicial Council and it will be for the Judicial Council to decide when and to what extent the contents of the complaint shall be disclosed.

(c) The recommendations of the Law Commission are being examined with a view to setting up of National Judical Council, modalities for which are being worked out in consultation with all the stake holders.

Power of Election Commission under Article 324

3860. SHRI SHANTARAM LAXMAN NAIK. Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that a number of matters which fall exclusively within the legislative competence of Parliament are covered by the Election Commission of India while issuing orders, guidelines, instructions etc. under article 324 of the Constitution of India;